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June 22nd, 2022

The Honorable Denise L. Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Google LLC v. Dmitry Starovikov, et al. Docket No. 1:21-cv-10260-DLC

Dear Judge Cote:

I represent defendants Dmitry Starovikov and Alexander Filippov (hereinafter, “Defendants”) in the above-referenced matter. I write this letter to request that the Court order a reciprocal stay of the Defendants’ discovery. Pursuant to this Court’s Order dated June 17, 2022, “all discovery of the plaintiff remains stayed.” Dkt. No. 88. On June 17, 2022, after the said Order and in accordance with their obligations, Defendants served Plaintiff with their initial disclosures, revealing names of several potential witnesses who may have information relevant to this lawsuit. Therefore, should Plaintiff proceed with one-sided discovery using this information, Defendants, whose discovery of Plaintiff is stayed per said Order, would be prejudiced as Plaintiff could obtain an unfair strategic advantage.

Courts in this Circuit have disfavored such “one-sided discovery” which could prejudice one party. See, e.g., Gershon v. Lurie, 2 No. 2:12-cv-02514-SJF-ETB, 2014 U.S. Dist. LEXIS 204988, at 7 (E.D.N.Y. June 3, 2014)(“plaintiffs/counterclaim-defendants will be manifestly prejudiced by having to participate in “one-sided discovery” and undue interference

and impairment of their ability to prove their fraud-based claims against [defendant]”); Karimona Invs. Llc v. Weinreb, No. 02 CV 1792 (WHP)(THK), 2003 U.S. Dist. LEXIS 3324, at 11 (S.D.N.Y. Mar. 6, 2003)(stay a civil proceeding pending the outcome of a criminal proceeding is not appropriate because, *inter alia*, “the prejudice to Plaintiff resulting from the one-sided discovery in this action, weighs heavily in Plaintiff’s favor with respect to this factor”).

Therefore, to level the playing field for all parties in this litigation, Defendants respectfully request that the Court extend the stay of discovery to Defendants as well, at least until September 16, 2022, when they are required to submit their status report regarding their “reasonable means to obtain an international passport.” As part of this requested stay, the Plaintiff should be forbidden using the information provided in the Defendant’s initial disclosures to conduct any further discovery

Thank you for your attention to this letter.

Respectfully,

s/ Igor Litvak

Igor Litvak, Esq.

cc: Counsel of Record (via ECF)